UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,424	06/17/1999	DAVID T. SULCER	04020.P001	7619

			EXAMINER
29855	7590	07/09/2004	NGUYEN, HAI V

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ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 21
April 2004.

2.   Claims 1-52 are presented for examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102(b) that form the basis for the rejections under this section made in
this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-52 are rejected under 35 U.S.C. 102(b) as being anticipated by
Chen et al. U.S. patent no. **5,506,955**.

5.   As to claim 1, Chen teaches substantially the invention as claimed,
including a method, comprising:

a)   receiving a message *(message)* that was sent from a remote device, said
message comprising a definition *(data reduction and alarms, statistics)*, a state
change *(conditions)*, and a command, said definition defining a fixed aspect of a
user environment, said state change describing a change in a non-fixed aspect of
said user environment, said command being a directive that causes a function to
be performed *(Chen, col. 3, line 46 – col. 5, line 3; col. 38, line 22 – col. 39, line
67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col. 94, line 51; col. 98, line
55 – col. 100, line 25)*; and

b)   processing said definition before said state change and said command are

processed *(col. 3, line 46 – col. 5, line 3; col. 38, line 22 – col. 39, line 67; col. 40,*

line 14 – col. 41, line 64; col. 93, line 21 – col. 94, line 51; col. 98, line 55 – col.

100, line 25), processing said state change before said command is processed

(col. 3, line 46 – col. 5, line 3; col. 38, line 22 – col. 39, line 67; col. 40, line 14 –

col. 41, line 64; col. 93, line 21 – col. 94, line 51; col. 98, line 55 – col. 100, line

25), and processing said command *(Chen, col. 3, line 46 – col. 5, line 3; col. 38,*

line 22 – col. 39, line 67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col.

94, line 51; col. 98, line 55 – col. 100, line 25).

6.   As to claim 2, Chen teaches, wherein said command further comprises an

express command *(Chen, col. 19 line 16 - col. 20, line 67; col. 31, lines 14-17).*

7.   As to claim 3, Chen teaches, wherein said express command corresponds

to a clicking a mouse button *(Chen, col. 31, lines 14-17).*

8.   As to claim 4, Chen teaches, wherein said express command corresponds

to hitting an enter key *(Chen, col. 99, line 27 – col. 100, line 25).*

9.   As to claim 5, Chen teaches, wherein said express command corresponds

to selecting an option from a menu *(Chen, col. 13, lines 29-35; col. 99, line 27 –*

col. 100, line 25).

10.   As to claim 6, Chen teaches, wherein said command further comprises an

instruction command *(Chen, col. 93, lines 57-67).*

11.   As to claim 7, Chen teaches, wherein said instruction command

corresponds to getting a form *(col. 40, lines 25-55).*

12.   As to claim 8, Chen teaches, wherein said state change corresponds to a

new value in a form *(a console) (Chen, col. 93, line 21 – col. 94, line 51; col. 98,*

line 55 – col. 100, line 25).

13.   As to claim 9, Chen teaches, wherein said definition corresponds to the

definition of a form *(Chen, col. 8, line 34 – col. 9, line 23; col. 93, line 21 – col.*

94, line 51; col. 98, line 55 – col. 100, line 25).

14.   As to claim 10, Chen teaches, wherein said processing said definition

further comprises updating a definition record associated with a GUI

understanding with said definition *(Chen, col. 8, line 34 – col. 9, line 23; col. 93,*

line 21 – col. 94, line 51; col. 98, line 55 – col. 100, line 25).

15.   As to claim 11, Chen teaches, wherein said processing said state change

further comprises updating a state record associated with a GUI understanding

with said state change *(Chen, col. 8, line 34 – col. 9, line 23; col. 93, line 21 –*

col. 94, line 51; col. 98, line 55 – col. 100, line 25).

16.   As to claim 12, Chen teaches substantially the invention as claimed,

including a method executed by a local device that cooperatively operates with a

remote device in order to implement an application software program, said

device separated from said remote device by a network, said method comprising:

        a)   recognizing that a dependence on said remote device, said

dependence being a need for said remote device to perform some act, said act

allowing said application software program to continue to operate *(Chen, col. 3,*

line 46 – col. 5, line 3; col. 38, line 22 – col. 39, line 67; col. 40, line 14 – col. 41,

line 64; col. 93, line 21 – col. 94, line 51; col. 98, line 55 – col. 100, line 25); and

b)   sending a message to said remote device, said message

comprising either a definition, a state change, a command or some combination

thereof, said definition defining a fixed aspect of a said application software

program, said state change describing a change in a non-fixed aspect of said

application software program, said command being a directive that causes said

remote device to perform said act *(Chen, col. 3, line 46 – col. 5, line 3; col. 38,*

line 22 – col. 39, line 67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col.

94, line 51; col. 98, line 55 – col. 100, line 25).

17.   Claims 13-20 are substantially the same the claims 2-9 and are thus

rejected for the reason similar to those in rejection claims 2-9.

18.   Claims 21-22 are substantially the same the claim 10 and are thus

rejected for the reason similar to those in rejection claim 10.

19.   Claim 23 is substantially the same the claim 11 and is thus rejected for the

reason similar to those in rejection claim 11.

20.   As to claim 24, Chen teaches, receiving an acknowledgement message

from said remote device, said acknowledgement message comprising either a

second definition, a second state change, a second command or some

combination thereof *(Chen, col. 3, line 46 – col. 5, line 3; col. 38, line 22 – col.*

39, line 67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col. 94, line 51; col.

98, line 55 – col. 100, line 25); and

processing said second definition (if any) before said second state change

(if any) and before said second command (if any) *(Chen, col. 3, line 46 – col. 5,*

line 3; col. 38, line 22 – col. 39, line 67; col. 40, line 14 – col. 41, line 64; col. 93,

line 21 – col. 94, line 51; col. 98, line 55 – col. 100, line 25); and

processing said second state change (if any) before processing said

second command (if any) *(Chen, col. 3, line 46 – col. 5, line 3; col. 38, line 22 –*

col. 39, line 67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col. 94, line 51;

col. 98, line 55 – col. 100, line 25).

21.   As to claim 25, Chen teaches further comprising translating said definition

(if any), said state change (if any) and said command (if any) to a GUI *(Chen, col.*

3, line 46 – col. 5, line 3; col. 8, line 34 – col. 9, line 23; col. 38, line 22 – col. 39,

line 67; col. 40, line 14 – col. 41, line 64; col. 93, line 21 – col. 94, line 51; col. 98,

line 55 – col. 100, line 25).

22.   Claim 26 is corresponding apparatus claim of claim 1; therefore, it is

rejected under the same rationale as in claim 1.

23.   Claims 27-36 are substantially the same the claims 2-11 and are thus

rejected for the reason similar to those in rejection claims 2-11.

24.   Claim 37 is corresponding apparatus claim of claim 12; therefore, it is

rejected under the same rationale as in claim 12.

25.   Claims 38-50 are substantially the same the claims 13-25 and are thus

rejected for the reason similar to those in rejection claims 13-25.

26.   Claim 51 is corresponding computer readable medium claim of claim 1;

therefore, it is rejected under the same rationale as in claim 1.

27.   Claim 52 is corresponding computer readable medium claim of claim 12;

therefore, it is rejected under the same rationale as in claim 12.

28.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

29.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hai V. Nguyen whose telephone number is

703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Hai V. Nguyen
Examiner
Art Unit 2142

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER